

**REMARKS/ARGUMENTS**

These remarks are made in response to the Final Office Action of October 24, 2006 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims 1-3, 5-6 and 9-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0118808 over Kelleher, *et al.* (hereinafter Kelleher), in view of U.S. Patent No. 6,625,271 to O'Malley, *et al.* (hereinafter O'Malley). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelleher, in view of O'Malley, and further in view of U.S. Patent No. 6,765,931 to Rabenko, *et al.* (hereinafter Rabenko).

Applicants have amended independent Claims 1, 3, 6, 8 and 9. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced through the claim amendments.

**I. Applicants' Invention**

It may helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, typified by Claim 1, as amended, is a method of call conferencing using a voice browser. The method can include establishing a voice browsing session between a calling party and the voice browser, the voice browser being provided by a voice server that interfaces with a telephony network via a gateway. The method further can include establishing a conference in order to conference at least one additional party into the voice browsing session using an application level component. The conference can provide a voice communications link between the calling party and the at least one additional party established via the telephony network.

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Additionally, the method can include providing an identifier associated with the at least one additional party from the voice browser to an additional application level component (see, e.g., Specification, p. 3, line 17), and dynamically coordinating voice data streams between the calling party and the at least one additional party. The additional application level component, according to the method, defines a voice data stream manager. The additional application level component marks a voice data stream of the at least one additional party with the identifier for routing.

The voice data manager can aggregate a voice data stream having a first identifier of the additional party with a voice data stream having a second identifier of the calling party into a single voice data stream. The voice data stream manager can use the identifiers when generating a single voice data stream. The method can further include sending the single voice data stream with identifiers for processing to the voice browser, wherein the data stream manager aggregates the voice data streams by identifiers to generate the single voice data stream and selectively routes audio from the voice browser to the calling party based on the identifiers (See, e.g., Specification, p. 4, line 15.)

## **II. The Claims Define Over The Prior Art**

As already noted, independent Claims 1, 6, and 9 were each rejected as unpatentable over Kelleher in view of O'Malley. Kelleher is directed to a system and method for connecting a group of users via a communications network. Kelleher operates by detecting an "initializing signal from initializing user" which thereby enables the initializing user to select and conference into a call other users selected from a "predefined user group." (Paragraph [0006]; see also paragraph [0017].)

As noted at page 3 of the Office Action, however, Kelleher fails to disclose generating a single voice data stream using identifiers to aggregate voice data streams of a calling party with those of one or more additional parties, wherein the identifiers mark the voice data streams for routing, as in Applicants' invention. Kelleher also fails to {WP358572;2}

teach using identifiers to generate a single voice data stream by aggregating a voice data stream having a first identifier of the additional party with a voice data stream having a second identifier of the calling party. As further noted at page 3 of the Office Action, Kelleher also fails to disclose sending the single voice data stream with identifiers to a voice browser for processing, as with Applicants' invention. Kelleher also fails to disclose selectively routing audio from the voice browser to the calling party based on the identifiers.

It is stated on Page 4 of the Office Action, that Kelleher teaches providing an identifier associated with an additional party (page 2, [0017], lines 1-13). However, the identifier is used only as an "initialization" signal, such as a user identification (ID) or password, which is used to validate the user. In such regard, the identifier, which is used only for initialization, is short-lived or temporary. As described in Kelleher, the identifier is merely used to validate a user during an initialization of a conference call. The identifier is not used thereafter.

By contrast, Applicant's Invention includes a voice data stream manager that provides an identifier with a voice data stream of an additional party. As an example, the identifier can be included in the voice data stream to discriminate between aggregated voice data streams (See, e.g., Specification, p. 8, line 10.) Aggregating is the process of coordinating multiple voice data streams into a single voice data stream using identifiers to discriminate between the multiple voice data streams. As an example, the identifiers can be included within the voice data stream to mark packets in the voice data stream.

The voice data stream manager can associate the identifiers with one or more voice data streams of a telephone call, such as a conference call. The identifier exists for the duration of the conference call during which voice data streaming is effected. The aggregating, based on the identifiers, allows the voice browser to selectively route audio to a calling party, any additional parties, of any combination thereof (See, e.g., Specification, p. 4, line 15.) Notably, Kelleher does not teach providing an identifier  
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associated with at least one additional party from the voice browser to an additional application level component, wherein the additional application level component marks a voice data stream of the at least one additional party with the identifier for routing.

It is also stated on Page 4 of the Office Action that Rabenko teaches a discriminator between a voice data stream of the calling party and the additional party, as well as selective routing of audio from the voice browser to at least one voice browser (col. 47, lines 20-32). Rabenko, however, only teaches discriminating between a voice call and a machine call. Rabenko's discriminator is responsible for differentiating between a voice call and a machine call by detecting a presence of a tone, in particular, a 2100 Hz tone. As one example, the discriminator uses tones to detect the start or end of a Fax transmission. The tone merely signals when the Fax transmission starts or stops; it does not identify any aspect of the Fax transmission. Moreover, the tone is within a frequency range of human hearing and can be heard by a user. In the context of a conference call situation, as would be the case in Applicant's Invention, the tone would be audible to all participants, which clearly would be annoying. In this respect, Rabenko teaches away from using an identifier in a conference call situation.

In Applicant's invention, the identifier identifies the voice data stream such that the voice data manager can "selectively" route the voice data streams from the browser. That is, the voice data manager, using the identifiers, can aggregate multiple voice data streams, as well as, selectively route a voice data stream to a voice browser using the identifiers (See, e.g., Specification, p. 4, lines 8-9.) The step of selectively routing includes separating voice streams in accordance with their identifiers. In Applicant's invention, the identifiers identify the type of voice data stream. In Rabenko, the identifiers only distinguish between a voice call and a machine call. Rabenko does not teach using an identifier to discriminate between voice data streams. Moreover, there is no motivation to combine the teachings of Kelleher with Rabenko since Kelleher does

not teach using an identifier to mark voice data streams for selective routing, and Rabenko does not teach discriminating between voice data streams using an identifier.

It is stated on Page 3 of the Office Action, that O'Malley teaches generating a single voice stream by aggregating a voice data stream of the additional party with a voice data stream of the calling party into a single voice data stream (FIG. 7B; col. 6, lines 28-37), and then outputting the summed audio signal for the conference to the audio processors (col. 6, lines 40-41). A fundamental difference between O'Malley and Applicant's invention, however, is the form of the input and output signals. In O'Malley, multiple audio input signals are summed together to produce a summed output signal. The term "sum" means that the signals are mathematically added (col. 6, lines 33-35; "sum each of the compensated audio signals to provide a summed conference signal.") With respect to the O'Malley reference, the summation of audio signals cannot be reversed. That is, once summed together, based on the disclosure of O'Malley, the summed output signal cannot be separated back into distinct audio input signals. This is an aspect that further distinguishes Applicant's invention from O'Malley.

Applicant's invention does not rely on summing one or more voice data streams. As made explicit in the Specification, the aggregating of one or more voice data streams in the context of Applicants' invention involves interleaving multiple voice data streams into a single stream. The aggregating does not involve summation or addition. A data stream is a collection of packets, wherein each packet includes audio information. An identifier is associated with each packet to identify the packet. During aggregation, the voice data manager can interleave packets from one or more voice data streams into a single voice data stream, based on the identifiers. The single voice data stream can be separated back into one or more voice streams using the identifiers. Applicant's invention does not "sum" voice data streams; the aggregated voice stream can be separated back into distinct audio signals.

It follows that O'Malley does not teach aggregating multiple voice streams into a single voice data stream. Moreover, O'Malley does not teach using identifiers to aggregate voice data streams. Since, O'Malley is not concerned with separating the audio signals after summation, there is no motivation to include identifiers to distinguish the audio signals. On Page 3 of the Office Action, it is pointed out that Kelleher fails to disclose generating a single voice data stream by aggregating multiple voice streams. O'Malley fails to provide this feature, since as already noted, O'Malley processes physical voice signals not data streams. Moreover, O'Malley does not teach interleaving voice data streams, which is an integral aspect of aggregating voice data streams. In fact, O'Malley teaches away from aggregating audio signals. Nowhere, does O'Malley generate or utilize data streams – specifically, voice data streams – as recited in each of independent Claims 1, 6, and 9. Indeed, Applicants respectfully submit that O'Malley's reliance of dedicated hardwired circuitry for processing physical signals is precisely the opposite of, and in fact, teaches away from data streams controlled by a data stream manager and processed by a voice browser, as with Applicants' invention.

Accordingly, even when combined, Kelleher, O'Malley, and Rabenko fail to teach or suggest every feature recited in amended independent Claims 1, 6, and 9. Applicants respectfully submit, therefore, that Claims 1, 6, and 9 define over the prior art. Applicants further respectfully submit that whereas the remaining claims each depend from one of the amended independent claims while reciting additional features, the dependent claims likewise define over the prior art.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Gregory A. Nelson, Registration No. 30,577

Richard A. Hinson, Registration No. 47,652

Marc A. Boillot, Registration No. 56,164

AKERMAN SENTERFITT

Customer No. 40987

Post Office Box 3188

West Palm Beach, FL 33402-3188

Telephone: (561) 653-5000